

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ JUN 13 2019 ★

KATHY DREW KING, Regional Director of
Region 29 of the National Labor Relations Board,
for and on behalf of the NATIONAL LABOR
RELATIONS BOARD

Petitioner

BROOKLYN OFFICE

CV 19-3496

CV

v.

CONSTRUCTION & GENERAL BUILDING
LABOERS' LOCAL 79, LABORERS'
INTERNATIONAL UNION OF NORTH AMERICA
Respondent

BLOCK, J.

BLOOM, M.J.

(PROPOSED) ORDER GRANTING PRELIMINARY INJUNCTION

This cause came to be heard upon the verified petition of Kathy Drew King ("Petitioner"), Regional Director of the Twenty Ninth Region of the National Labor Relations Board ("Board") for and on behalf of the Board, for a preliminary injunction pursuant to § 10(l) of the National Labor Relations Act ("the Act"), as amended, 29 U.S.C. § 160(l), pending disposition of the Complaint, as amended, issued by the Board in case number 29-CC-241297, which is before an Administrative Law Judge of the Board, and upon the issuance of an order to show cause why injunctive relief should not be granted as prayed in said Petition.

IT APPEARING to the Court from the verified Petition, other pleadings, affidavits, exhibits, argument of counsel, the hearing held before the Court on the ____ of ____, 2019, and the entire record in this matter, that:

1. There is reasonable cause to believe that Construction & General Building Labors' Local 79, Laborers' International Union of North America ("Respondent") is a labor organization within the meaning of § 2(5) of the Act;

2. There is reasonable cause to believe that Respondent", through its agents, has engaged with an unlawful object, *inter alia*, picketing, threats, coercion and restraint of persons engaged in commerce, or in an industry affecting commerce;

3. There is reasonable cause to believe that the above-described conduct of Respondent violates §§ 8(b)(4)(i) and (ii)(B) of the Act and that said unfair labor practices affect commerce or an industry affecting commerce within the meaning of §§ 2(6) and (7) of the Act;

4. There is imminent danger that, absent temporary injunctive relief, substantial and irreparable injury to the statutory rights of employees under the Act will be inflicted by Respondent until final adjudication by the Board, and that the final administrative order of the Board will be frustrated or nullified if interim relief is not immediately granted; and

5. It is appropriate and just and proper, within the meaning of § 10(l) of the Act and Fed. R. Civ. P. 65(a) that, pending completion of the hearing before the Court on the merits of the Petition, that Respondent be enjoined and restrained from the commission of further acts and misconduct in violation of the Act as described in the Petition.

WHEREFORE, IT IS HEREBY ORDERED that Respondent, its officers, agents, servants, employees, attorneys, and all members and persons acting in concert or participation with them, from the date of this Order, as provided for in Rule 65(a) of the Federal Rules of Civil Procedure and pursuant to the provisions of the Act, are

ENJOINED AND RESTRAINED from, in any manner or by any means, engaging in any picketing or other conduct, including the use of inflatable rats or cockroaches, with an object to induce or encourage individuals employed by Mannix Family Market @ Hylan Blvd LLC and Mannix Family Market @ Forest and Richmond Ave. LLC, and Mannix Family Markets @ Veterans Rd LLC, in Staten Island New York and other persons engaged in commerce or in

industries affecting commerce to refuse to handle goods or perform services, in furtherance of Respondent's dispute with Kimco Realty Corp. (Kimco) and GTL Construction LLC (GTL); and threatening, restraining, or coercing any other person engaged in commerce, or in an industry affecting commerce, to cease handling, using, selling, transporting, or otherwise dealing in the products of, or to cease doing business with Kimco and GTL, or any other person engaged in commerce, or in an industry affecting commerce, or with each other.

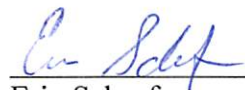
IT IS FURTHER ORDERED that to assure compliance with the Court's preliminary injunction, the Court direct service of said Order upon the United States Marshal for the Eastern District of New York, and further direct the United States Marshals Service to take those actions deemed necessary to enforce the provisions and prohibitions set forth in this Order.

IT IS SO ORDERED.

DATED at Brooklyn, New York this ____ day of _____, 2019.

UNITED STATES DISTRICT JUDGE

Presented by:



Erin Schaefer
National Labor Relations Board
2 MetroTech Center, 5th Floor
Brooklyn, NY 11201
Telephone: (718) 765-6158
Erin.Schaefer2@nrlb.gov
Counsel for the Petitioner